

EXHIBIT 19

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL)	MDL No. 2804
PRESCRIPTION OPIATE)	
LITIGATION,)	Case No.
)	1:17-MD-2804
)	
THIS DOCUMENT RELATES TO)	Hon. Dan A.
ALL CASES)	Polster
)	

— — —
Tuesday, January 22, 2019
— — —

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CONFIDENTIALITY REVIEW
— — —

Videotaped 30(b)(6) Deposition of
Walmart, through the testimony of Susanne
Hiland, held at 4206 South J.B. Hunt Drive,
Rogers, Arkansas, commencing at 8:22 a.m., on
the above date, before Debra A. Dibble,
Certified Court Reporter, Registered
Diplomate Reporter, Certified Realtime
Captioner, Certified Realtime Reporter and
Notary Public.

— — —
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<p style="text-align: right;">Page 14</p> <p>1 is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. In any of those instances, were</p> <p>4 you providing testimony on behalf of Walmart?</p> <p>5 A. Yes.</p> <p>6 Q. In other words, that was -- you</p> <p>7 were providing testimony on behalf of the</p> <p>8 corporation as you are today; is that</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. Do you recall in what cases you</p> <p>12 provided that testimony?</p> <p>13 MS. TABACCHI: Objection, form.</p> <p>14 THE WITNESS: It would have</p> <p>15 been all of them except the workmen's</p> <p>16 comp case.</p> <p>17 Q. (BY MR. BOWER) So prior to</p> <p>18 today, you've provided testimony in behalf of</p> <p>19 Walmart in approximately six to eight cases.</p> <p>20 Would that be accurate?</p> <p>21 A. That's accurate, yes.</p> <p>22 Q. So it seems like you're fairly</p> <p>23 familiar with the ground rules for a</p> <p>24 deposition. Would that be accurate?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. And do you understand,</p> <p>2 therefore, that the testimony you will give</p> <p>3 today can be binding on the corporation?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. How long have you been</p> <p>6 working at Walmart?</p> <p>7 A. 29 years.</p> <p>8 Q. And I don't want to spend too</p> <p>9 much time on your employment history, but can</p> <p>10 you just -- let's start maybe in 2005, give</p> <p>11 or take. Going forward. Okay?</p> <p>12 A. Yes.</p> <p>13 Q. What was your position in 2005?</p> <p>14 A. At the start of 2005, I was a</p> <p>15 regional director for operations. And then I</p> <p>16 transitioned to a director of professional</p> <p>17 services.</p> <p>18 Q. And when would that transition</p> <p>19 occur?</p> <p>20 A. March of 2005.</p> <p>21 Q. Okay.</p> <p>22 During that time period, did</p> <p>23 you have oversight over Walmart pharmacies?</p> <p>24 MS. TABACCHI: Object to the</p>
<p style="text-align: right;">Page 15</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 And so just to make sure we're</p> <p>4 all on the same page, I just want to go over</p> <p>5 a couple of those rules, just so there's no</p> <p>6 issues moving forward. I think probably the</p> <p>7 most important one is to make sure that you</p> <p>8 understand my question. So if at any point</p> <p>9 you don't understand the question, please</p> <p>10 just let me know and I'll try to rephrase it.</p> <p>11 Okay?</p> <p>12 A. Okay.</p> <p>13 Q. If you don't ask me to rephrase</p> <p>14 it, I'll assume that you understand the</p> <p>15 question as I asked it. Okay?</p> <p>16 A. Okay.</p> <p>17 Q. And you understand that your</p> <p>18 answers today are on behalf of Walmart;</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. And that tomorrow you will be</p> <p>22 providing your own fact testimony; is that</p> <p>23 correct?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 17</p> <p>1 form.</p> <p>2 THE WITNESS: In the regional</p> <p>3 role I had oversight, yes.</p> <p>4 Q. (BY MR. BOWER) And what about</p> <p>5 in the director role?</p> <p>6 A. In the director role, I had</p> <p>7 responsibilities for Board of Pharmacy</p> <p>8 issues.</p> <p>9 Q. What was your next position at</p> <p>10 Walmart?</p> <p>11 A. The next position was a</p> <p>12 promotion to senior director. It was the</p> <p>13 same department, but we -- the name of the</p> <p>14 department changed to regulatory affairs.</p> <p>15 Q. And when did that occur?</p> <p>16 A. 2009.</p> <p>17 Q. And just generally what were</p> <p>18 your duties and responsibilities as the</p> <p>19 senior director in regulatory affairs? Is</p> <p>20 that an accurate description of your title at</p> <p>21 that time?</p> <p>22 A. That was my title.</p> <p>23 Q. Okay.</p> <p>24 And what were your -- just a</p>

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<p style="text-align: right;">Page 18</p> <p>1 general description of your duties and</p> <p>2 responsibilities in connection with that</p> <p>3 title.</p> <p>4 A. I began to supervise the</p> <p>5 directors that had responsibility for Board</p> <p>6 of Pharmacy regulation.</p> <p>7 I also had responsibility for</p> <p>8 our licensing and registration function for</p> <p>9 our facilities. And I had federal regulatory</p> <p>10 responsibility as it related to our licensed</p> <p>11 pharmacies.</p> <p>12 MS. TABACCHI: Zach, of course,</p> <p>13 you're welcome to inquire about the</p> <p>14 witness's personal background, but</p> <p>15 this is all beyond the scope of the</p> <p>16 notice.</p> <p>17 MR. BOWER: I'm just trying to</p> <p>18 get, like I said, a very high level.</p> <p>19 MS. TABACCHI: I just want to</p> <p>20 make sure we're on the same page. I'm</p> <p>21 not going to object to every question</p> <p>22 during this portion.</p> <p>23 MR. BOWER: No, I understand.</p> <p>24 I'm just going to move quickly through</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. What's your current title?</p> <p>2 A. My current title -- on paper my</p> <p>3 title is Senior Director II, business</p> <p>4 strategy. That's an HR title.</p> <p>5 In function, my title is senior</p> <p>6 director of professional relations,</p> <p>7 professional practice standards and clinical</p> <p>8 services.</p> <p>9 Q. Do you believe you are the</p> <p>10 person at Walmart with the most knowledge of</p> <p>11 Walmart's maintenance and effective controls</p> <p>12 against diversion?</p> <p>13 MS. TABACCHI: Object to the</p> <p>14 form.</p> <p>15 THE WITNESS: I believe that</p> <p>16 I'm prepared to speak to that topic on</p> <p>17 behalf of Walmart.</p> <p>18 MR. BOWER: I move to strike</p> <p>19 that answer.</p> <p>20 Q. (BY MR. BOWER) I just would</p> <p>21 ask you to please carefully listen to my</p> <p>22 questions and answer the questions that I</p> <p>23 ask. Okay?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 19</p> <p>1 this.</p> <p>2 Q. (BY MR. BOWER) And what was</p> <p>3 your next role at Walmart after senior</p> <p>4 director of regulatory affairs?</p> <p>5 A. For a short period of time in</p> <p>6 July 2011, I was senior director of</p> <p>7 compliance and quality assurance.</p> <p>8 Q. So that was in 2011; is that</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. And then your next role after</p> <p>12 that was?</p> <p>13 A. February 2012 of -- I'll likely</p> <p>14 not get the title correct, but it was senior</p> <p>15 director of clinical quality assurance.</p> <p>16 Q. Okay.</p> <p>17 A. And that was the general title.</p> <p>18 I'd have to look back to get the title</p> <p>19 exactly correct.</p> <p>20 Q. Approximately how many titles</p> <p>21 would you say you've had at Walmart in your</p> <p>22 29 years?</p> <p>23 A. One -- a different one every</p> <p>24 three years approximately.</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. The question is, do you believe</p> <p>2 that you are the person at Walmart with the</p> <p>3 most knowledge of Walmart's -- strike that.</p> <p>4 Do you believe you are the</p> <p>5 person at Walmart with the most knowledge on</p> <p>6 Walmart's maintenance of effective controls</p> <p>7 against diversion?</p> <p>8 MS. TABACCHI: Object to the</p> <p>9 form, asked and answered.</p> <p>10 THE WITNESS: Yes.</p> <p>11 Q. (BY MR. BOWER) How did you</p> <p>12 prepare for today's deposition?</p> <p>13 A. I interviewed current and</p> <p>14 former Walmart associates, I prepared with</p> <p>15 counsel, and I reviewed documents.</p> <p>16 Q. Okay. Let's take those one at</p> <p>17 a time. Get just a little more detail on</p> <p>18 that. Which former associates did you speak</p> <p>19 with in preparation for today's deposition?</p> <p>20 A. I spoke to Scott Culver.</p> <p>21 Q. Are there any other former</p> <p>22 employees you spoke with in connection with</p> <p>23 preparation for today's deposition?</p> <p>24 A. No.</p>

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<p>1 form.</p> <p>2 THE WITNESS: No, this was</p> <p>3 additional procedure that included</p> <p>4 other things that were occurring at</p> <p>5 the DC.</p> <p>6 Q. (BY MR. BOWER) Okay. And</p> <p>7 then, if you go back to -- you mentioned that</p> <p>8 bullet point 3 has some additional kind of</p> <p>9 procedures that aren't reflected in tab 2;</p> <p>10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. And what did you mean by that?</p> <p>13 A. So in addition to the</p> <p>14 distribution from logistics to the diversion</p> <p>15 control coordinator, those 4 percent reports</p> <p>16 were sent to operations leadership.</p> <p>17 Q. And what -- for what reason</p> <p>18 were they sent to the operations leadership?</p> <p>19 A. It was information just to</p> <p>20 share from an overall -- it was a data point</p> <p>21 that we had so that they had more information</p> <p>22 about their stores.</p> <p>23 And if an order had never</p> <p>24 arisen to be -- to their attention, they just</p>	<p>1 THE WITNESS: The -- in trying</p> <p>2 to explain how we used them, because I</p> <p>3 saw these as well.</p> <p>4 The -- the way that these would</p> <p>5 be used is to look to see if</p> <p>6 pharmacies were appearing on the</p> <p>7 4 percent report.</p> <p>8 So as you were doing an</p> <p>9 operational review, it would be a data</p> <p>10 point to say, I've seen this, you</p> <p>11 know, let me check it out if there's</p> <p>12 anything there of concern. There may</p> <p>13 not have been. And not -- obviously</p> <p>14 not every store ever hit a 4 percent</p> <p>15 report. So it was just a data point</p> <p>16 for the market director to have more</p> <p>17 visibility into the operation of their</p> <p>18 pharmacy.</p> <p>19 Q. (BY MR. BOWER) Okay. Thank</p> <p>20 you for that.</p> <p>21 Now let's go to bullet point 4</p> <p>22 for a minute. Now we're in the time frame</p> <p>23 2011 to 2015; correct?</p> <p>24 A. Correct.</p>
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<p>1 had view to their stores and their purchases</p> <p>2 if they appeared on that report.</p> <p>3 Q. Was that information used, for</p> <p>4 example, to look for diversions at the</p> <p>5 individual pharmacies?</p> <p>6 MS. TABACCHI: Object to the</p> <p>7 form.</p> <p>8 THE WITNESS: It was not used</p> <p>9 to look for a diversion. It was a</p> <p>10 data point if there was any</p> <p>11 operational issues that arose. And</p> <p>12 the point of the diversion control</p> <p>13 coordinator was to have a data point,</p> <p>14 again, for their -- the work that they</p> <p>15 are doing.</p> <p>16 Q. (BY MR. BOWER) So it wasn't --</p> <p>17 is it a -- strike that.</p> <p>18 These reports weren't</p> <p>19 necessarily used to look for diversion, but</p> <p>20 it was a data point that was considered in</p> <p>21 where to look for diversion at the individual</p> <p>22 pharmacies? Would that be accurate?</p> <p>23 MS. TABACCHI: Object to the</p> <p>24 form.</p>	<p>1 Q. And this is when Walmart first</p> <p>2 implemented order alerts in Reddwerks;</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know when in 2011</p> <p>6 Walmart first implemented order alerts in</p> <p>7 Reddwerks?</p> <p>8 A. I don't know the exact date.</p> <p>9 Q. Is that something you prepared</p> <p>10 to testify on today?</p> <p>11 MS. TABACCHI: Object to the</p> <p>12 form.</p> <p>13 THE WITNESS: I don't have an</p> <p>14 exact date.</p> <p>15 Q. (BY MR. BOWER) Do you know</p> <p>16 whether it was -- could it have been 2012?</p> <p>17 A. No. It was 2011.</p> <p>18 Q. And what makes you so certain</p> <p>19 it was 2011?</p> <p>20 A. Because of the documentation</p> <p>21 I've been given.</p> <p>22 Q. Can you refer to the specific</p> <p>23 document that you're thinking of?</p> <p>24 A. Yes.</p>

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<p style="text-align: right;">Page 258</p> <p>1 Q. Okay.</p> <p>2 A. Sorry, this is what I was</p> <p>3 afraid of.</p> <p>4 Q. And just while you're looking</p> <p>5 at it, I just want to confirm for the record</p> <p>6 that you are looking in a binder you brought</p> <p>7 with you today for a document that would</p> <p>8 provide you a more precise date for when</p> <p>9 Walmart first began implementing order alerts</p> <p>10 in Reddwerks; is that correct?</p> <p>11 A. That is correct. And I had it</p> <p>12 tabbed and I took my tab off, so I apologize</p> <p>13 for the delay.</p> <p>14 I have an SOP document that</p> <p>15 talks about it.</p> <p>16 It was an exhibit that was used</p> <p>17 for a prior deposition.</p> <p>18 Q. Well, look. I don't think we</p> <p>19 need to waste time on the record.</p> <p>20 A. I'm sorry.</p> <p>21 Q. I don't want to make this a</p> <p>22 test for you either.</p> <p>23 A. I have it. I just took the tab</p> <p>24 off.</p>	<p style="text-align: right;">Page 260</p> <p>1 Q. And what -- what is the date on</p> <p>2 the attachment specifically?</p> <p>3 A. 12-20-2011.</p> <p>4 Q. So sometime around the end of</p> <p>5 2011. Agreed?</p> <p>6 A. Yes. This is the SOP</p> <p>7 enhancements.</p> <p>8 Q. And on what basis is it your</p> <p>9 testimony that this in fact went into place</p> <p>10 at that date?</p> <p>11 A. This is the document stating</p> <p>12 the process that was in place.</p> <p>13 Q. So let me just ask it</p> <p>14 differently, then. Other than the document,</p> <p>15 is there anything else that's informing your</p> <p>16 testimony today with respect to when Walmart</p> <p>17 first implemented order alerts in Reddwerks?</p> <p>18 A. I spoke to Ramona Sullins about</p> <p>19 the -- about the implementation of Reddwerks.</p> <p>20 And there was no discrepancy in our</p> <p>21 conversation about these documents and when</p> <p>22 they were effective.</p> <p>23 Q. So did Ms. Sullins confirm for</p> <p>24 you that this policy in fact went into place</p>
<p style="text-align: right;">Page 259</p> <p>1 Q. So maybe at a break or</p> <p>2 something, I can look for it and you can</p> <p>3 confirm that that's what you were looking</p> <p>4 for.</p> <p>5 So let's move on from that and</p> <p>6 we'll come back to it later --</p> <p>7 A. Okay.</p> <p>8 Q. -- okay?</p> <p>9 And at this point, when Walmart</p> <p>10 first implemented order alerts in</p> <p>11 Reddwerks --</p> <p>12 A. If I may, I just found it.</p> <p>13 Q. Oh, great. Okay.</p> <p>14 So a document -- can you just</p> <p>15 read the Bates number maybe into the record?</p> <p>16 A. It is Bates No. 9226. It's</p> <p>17 multiple -- I'm sorry, it was Exhibit 8 in</p> <p>18 Sullins.</p> <p>19 Q. Okay.</p> <p>20 A. And it starts 9224. And the</p> <p>21 information -- and that document starts with</p> <p>22 a date of 9-30-2013, but the attachment is</p> <p>23 dated 2011. And that's the attachment that I</p> <p>24 was looking for.</p>	<p style="text-align: right;">Page 261</p> <p>1 on 12-20-2011?</p> <p>2 A. We didn't talk about the exact</p> <p>3 date. This is the order alert that's</p> <p>4 reflected -- what we did talk about this is</p> <p>5 this is the order alert and the documentation</p> <p>6 that is reflected in the statement about the</p> <p>7 Reddwerks alerting.</p> <p>8 Q. So just so I'm clear as to this</p> <p>9 date, other than the date reference on the</p> <p>10 document itself, is there any other basis</p> <p>11 that you're relying on for the initial</p> <p>12 implementation of the alerts in Reddwerks?</p> <p>13 MS. TABACCHI: Object to the</p> <p>14 form.</p> <p>15 THE WITNESS: The conversations</p> <p>16 with Ramona Sullins.</p> <p>17 Q. (BY MR. BOWER) And did</p> <p>18 Ms. Sullins confirm to you that these</p> <p>19 thresholds reflected in bullet point 4 in</p> <p>20 fact began to be implemented on 12-20-2011?</p> <p>21 A. I didn't ask her that specific</p> <p>22 question. I was asking about time frame. It</p> <p>23 says "approximately 2011." And so as we</p> <p>24 talked about the process, my understanding</p>

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<p>1 was that is the correct time frame for these 2 alerts. 3 Q. And other than your 4 understanding and the document itself, is 5 there any other basis for that testimony? 6 MS. TABACCHI: Object to the 7 form. Asked and answered. 8 THE WITNESS: My interview and 9 the date on this document. 10 Q. (BY MR. BOWER) Did you, for 11 example, review any flagged orders during 12 this time period? 13 A. I did not. 14 Q. Okay. And I just want to ask a 15 little bit more. I understand -- strike 16 that. 17 Do you know whether during this 18 time period reflected in bullet point 4 19 there, whether Reddwerks was flagging orders 20 for non-controlleds of 50 bottles or more? 21 A. Yes. 22 MS. TABACCHI: Object to the 23 form. 24 THE WITNESS: The Reddwerks</p>	<p>1 Would that order flag 2 regardless of the amount ordered? 3 MS. TABACCHI: Object to the 4 form. 5 THE WITNESS: There were some 6 limits that were put in place specific 7 to that four-week average, but it was 8 at a later period. 9 Q. (BY MR. BOWER) Okay. So 10 let's -- I'm -- and I think that's helpful. 11 I am a bit confused about those limits, so 12 I'd like to talk about those. Do you know 13 when those limits were first put in place? 14 A. The 2011 order limits? 15 Q. So bullet point 4 states 16 that -- I'm going to skip the first part, but 17 it states that "Orders for amounts 30 percent 18 higher than a rolling four-week average for 19 that item were flagged from 2011 to 2014." 20 Do you agree with that? 21 MS. TABACCHI: Object to the 22 form. 23 MR. BOWER: I'll strike it, 24 then.</p>
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<p>1 system did flag non-controlled items 2 as well. 3 Q. (BY MR. BOWER) In fact, during 4 this time period, Reddwerks was flagging any 5 order of greater than 50; isn't that correct? 6 MS. TABACCHI: Object to the 7 form. Beyond the scope. 8 THE WITNESS: That is part of 9 the SOP that was described in the 10 document. 11 Q. (BY MR. BOWER) And then, I 12 want to talk a little bit about this 13 30 percent. And still on bullet point 4. 14 A. Yes. 15 Q. You're there? Okay. 16 What does that 30 percent 17 reflect? It says "higher than a rolling 18 four-week average for that item." 19 What does that mean? 20 A. That means if the order 21 reflected higher than the average, that it 22 would flag. 23 Q. And would it flag -- strike 24 that.</p>	<p>1 Q. (BY MR. BOWER) When was 2 Walmart flagging orders for amounts 3 30 percent higher than a rolling four-week 4 average? 5 A. That began in 2011. 6 Q. And that again -- that began on 7 or about 12-20-2011; is that correct? 8 A. That's correct. 9 Q. And how long did that process 10 continue without any order alerts in place? 11 MS. TABACCHI: Object to the 12 form. 13 THE WITNESS: So I think I'm 14 confused about any order limits. 15 Q. (BY MR. BOWER) Okay. 16 A. The alerts included order 17 limits. 18 Q. Did the alerts include order 19 limits from their initial implementation? 20 MS. TABACCHI: Object to the 21 form. 22 THE WITNESS: The 50-bottle 23 alert was part of the initial 24 implementation.</p>

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<p>1 MR. BOWER: I'll strike that.</p> <p>2 I would like a clear question, so I'll</p> <p>3 rephrase.</p> <p>4 Q. (BY MR. BOWER) From</p> <p>5 approximately July 2012 until approximately</p> <p>6 2015, what was the policy and procedure with</p> <p>7 respect to orders of oxy 30 of over</p> <p>8 20 bottles at DC 6045?</p> <p>9 A. So the policy was that if an</p> <p>10 order came in for more than 20, the DC would</p> <p>11 not ship more than 20, and those orders were</p> <p>12 escalated for review.</p> <p>13 Q. During this time period, would</p> <p>14 Walmart ever reduce the order to 20 and ship</p> <p>15 the order without reviewing it?</p> <p>16 MS. TABACCHI: Object to the</p> <p>17 form.</p> <p>18 THE WITNESS: We did reduce</p> <p>19 those orders to 20 and ship.</p> <p>20 Q. (BY MR. BOWER) Did Walmart</p> <p>21 review those orders before shipping them?</p> <p>22 MS. TABACCHI: Object to the</p> <p>23 form.</p> <p>24 THE WITNESS: We reviewed those</p>	<p>1 the policy and procedure at Walmart DC 6045?</p> <p>2 A. So the report would be</p> <p>3 circulated for review. A report would be</p> <p>4 created and then circulated for review by the</p> <p>5 DC associates. And it was forwarded on to</p> <p>6 our asset protection team as well, to -- to</p> <p>7 just take a review of that location.</p> <p>8 Q. And we've already seen</p> <p>9 testimony by Mr. Abernathy on that procedure;</p> <p>10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. Is there anything about</p> <p>13 the procedure described by Mr. Abernathy that</p> <p>14 you would disagree with?</p> <p>15 MS. TABACCHI: Object to the</p> <p>16 form.</p> <p>17 THE WITNESS: I'd have to</p> <p>18 review. I did review his deposition,</p> <p>19 but I don't review the exact</p> <p>20 testimony, so I'd have to review it.</p> <p>21 Q. (BY MR. BOWER) Was there</p> <p>22 anything as you sit here today testifying on</p> <p>23 behalf of Walmart that you believe</p> <p>24 Mr. Abernathy was incorrect about regarding</p>
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<p>1 orders, every one of them that came</p> <p>2 in. But the policy was we wouldn't</p> <p>3 ship any more than 20, and so they'd</p> <p>4 pass through and were processed.</p> <p>5 Q. (BY MR. BOWER) And then in</p> <p>6 July of 2012, Walmart also starts beginning</p> <p>7 to identify Schedule II substances -- strike</p> <p>8 that.</p> <p>9 In July 2012, Walmart also</p> <p>10 begins to flag orders of more than 20 bottles</p> <p>11 for Schedule II substances at DC 6045; is</p> <p>12 that correct?</p> <p>13 A. Yes.</p> <p>14 MS. TABACCHI: Object to --</p> <p>15 Go ahead.</p> <p>16 Q. (BY MR. BOWER) And can you just</p> <p>17 describe for us what that process was?</p> <p>18 I know in here it says "for</p> <p>19 further review and follow-up as needed."</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. So let's say we're at the end</p> <p>23 of 2012. An order for controlled substances</p> <p>24 comes in for more than 20 bottles. What was</p>	<p>1 that procedure?</p> <p>2 MS. TABACCHI: Object to the</p> <p>3 form.</p> <p>4 THE WITNESS: Again, as I</p> <p>5 reviewed it, I would have to look at</p> <p>6 it again for these specifics.</p> <p>7 Q. (BY MR. BOWER) But nothing</p> <p>8 that you're prepared to identify today; is</p> <p>9 that correct?</p> <p>10 MS. TABACCHI: Object to the</p> <p>11 form.</p> <p>12 THE WITNESS: I didn't -- I</p> <p>13 didn't prepare to comment on his</p> <p>14 testimony.</p> <p>15 Q. (BY MR. BOWER) Okay. And you</p> <p>16 agree here that Walmart is relying on his</p> <p>17 testimony?</p> <p>18 MS. TABACCHI: Object to the</p> <p>19 form.</p> <p>20 THE WITNESS: In terms of?</p> <p>21 Q. (BY MR. BOWER) In terms of</p> <p>22 support for this procedure.</p> <p>23 A. Yes, he testified to the</p> <p>24 procedure.</p>

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<p>1 decision. If you're asking about</p> <p>2 another Masters decision, please</p> <p>3 clarify for the record so there's no</p> <p>4 confusion.</p> <p>5 Q. (BY MR. BOWER) Do you agree</p> <p>6 that Walmart was aware of the DEA case</p> <p>7 against Masters prior to 2017?</p> <p>8 MS. TABACCHI: This is beyond</p> <p>9 the scope of the notice. The witness</p> <p>10 can testify in her individual</p> <p>11 capacity.</p> <p>12 THE WITNESS: I see the</p> <p>13 information in this email exchange.</p> <p>14 Q. (BY MR. BOWER) And are you</p> <p>15 aware that -- strike that.</p> <p>16 During this time period, was</p> <p>17 Walmart a member of the NACDS?</p> <p>18 MS. TABACCHI: Object to the</p> <p>19 form.</p> <p>20 THE WITNESS: Yes.</p> <p>21 Q. (BY MR. BOWER) Are you aware</p> <p>22 that sometime in between September of 2015</p> <p>23 and the time frame of the Masters decision,</p> <p>24 NACDS submitted an amicus brief in the</p>	<p>1 know the specifics around that</p> <p>2 communication.</p> <p>3 Q. (BY MR. BOWER) As a member of</p> <p>4 the policy -- when were you a member of the</p> <p>5 policy council for NACDS?</p> <p>6 A. 2007 to present.</p> <p>7 Q. As a member of the policy</p> <p>8 counsel, would you not have reviewed amicus</p> <p>9 briefs submitted in connection with</p> <p>10 suspicious order monitoring?</p> <p>11 MS. TABACCHI: Object to the</p> <p>12 form.</p> <p>13 THE WITNESS: No. That was --</p> <p>14 there were other groups, and there was</p> <p>15 a group -- a legal group that reviewed</p> <p>16 and worked on amicus briefs, and I was</p> <p>17 not a -- I was not a member of that.</p> <p>18 Q. (BY MR. BOWER) Was anyone from</p> <p>19 Walmart aware that the NACDS would be</p> <p>20 submitting an amicus brief in the Masters</p> <p>21 case prior to its submission?</p> <p>22 MS. TABACCHI: Object to the</p> <p>23 form. Beyond the scope.</p> <p>24 THE WITNESS: Through</p>
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<p>1 Masters case?</p> <p>2 MS. TABACCHI: Object to the</p> <p>3 form.</p> <p>4 THE WITNESS: We weren't party</p> <p>5 to the amicus brief.</p> <p>6 Q. (BY MR. BOWER) That wasn't my</p> <p>7 question. Can you -- I'll read back my</p> <p>8 question. Okay?</p> <p>9 Are you aware that sometime</p> <p>10 between September of 2015 and the time frame</p> <p>11 of the Masters decision in 2017, that the</p> <p>12 NACDS submitted an amicus brief in the</p> <p>13 Masters case?</p> <p>14 MS. TABACCHI: I'm just going</p> <p>15 to caution the witness not to reveal</p> <p>16 the substance of communications with</p> <p>17 counsel. If you are aware of the</p> <p>18 answer to Ms. Bower's question without</p> <p>19 having discussed that with counsel,</p> <p>20 you may answer.</p> <p>21 THE WITNESS: I'm a member of</p> <p>22 the NACDS Policy Council. And so</p> <p>23 there may have been communication</p> <p>24 about the Masters decision. I don't</p>	<p>1 communication in policy council, it</p> <p>2 may have -- it may have come up as a</p> <p>3 topic. It likely did come up. I</p> <p>4 don't have recollection of the timing</p> <p>5 or the details of that information.</p> <p>6 Q. (BY MR. BOWER) Would you agree</p> <p>7 that Walmart made changes to its suspicious</p> <p>8 order monitoring program after the Masters</p> <p>9 decision came out in 2017?</p> <p>10 MS. TABACCHI: Object to the</p> <p>11 form.</p> <p>12 THE WITNESS: The changes that</p> <p>13 we made were how we reported the</p> <p>14 orders that we were reviewing.</p> <p>15 Q. (BY MR. BOWER) Would you agree</p> <p>16 that Walmart began reporting more orders as a</p> <p>17 result of Masters Pharmaceutical's decision?</p> <p>18 MS. TABACCHI: Object to the</p> <p>19 form.</p> <p>20 THE WITNESS: We reported</p> <p>21 orders of interest, and that was at a</p> <p>22 rate that was higher than -- we had --</p> <p>23 we had not previously been reporting</p> <p>24 orders of interest before due</p>

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<p style="text-align: right;">Page 434</p> <p>1 policies in place in connection with its own 2 program; correct? 3 A. We did not have a written 4 policy at that time. 5 Q. And Walmart declined to go with 6 Buzzeo in 2010; correct? 7 MR. TABACCHI: Object to the 8 form. 9 THE WITNESS: We did not 10 proceed -- I don't know if we 11 declined. We did not proceed with, to 12 my knowledge, any of these services 13 that they discussed with us. 14 Q. (BY MR. BOWER) And then from 15 2010 up until 2017, Walmart took it upon 16 itself to enhance its SOM program; correct? 17 MR. TABACCHI: Object to the 18 form. 19 THE WITNESS: We made 20 enhancements to our program over time. 21 Q. (BY MR. BOWER) And then 22 finally, at the end of 2017, Walmart decides 23 to go with Buzzeo; right? 24 MS. TABACCHI: Object to the</p>	<p style="text-align: right;">Page 436</p> <p>1 improvement. 2 Additionally, there was an 3 algorithm applied that Buzzeo 4 determined to set those thresholds. 5 So those were the largest changes 6 around how the program worked. 7 Q. (BY MR. BOWER) And up until 8 you changed to Buzzeo, did Walmart still have 9 in place its minimum thresholds of 20 for 10 titrated [sic] items of controlled 11 substances? 12 MR. TABACCHI: Object to the 13 form. 14 THE WITNESS: We had the 15 enhanced thresholds still in place. 16 Q. (BY MR. BOWER) And those 17 enhanced thresholds provided for a minimum 18 threshold of 20 per store per item for the 19 titrated items; correct? 20 MR. TABACCHI: Object to the 21 form. 22 THE WITNESS: Titrated? 23 Q. (BY MR. BOWER) Traited. Sorry. 24 Did I say "titrated"?</p>
<p style="text-align: right;">Page 435</p> <p>1 form. 2 THE WITNESS: We did implement 3 Buzzeo at the end of 2017. 4 Q. (BY MR. BOWER) And was the 5 implementation of Buzzeo improvement of 6 Walmart's SOM program? 7 MR. TABACCHI: Object to the 8 form. 9 THE WITNESS: It was a 10 continuous evolution and improvement 11 in the automation of orders in how 12 they were flagged. 13 Q. (BY MR. BOWER) Okay. And how, 14 if at all, did the change to Buzzeo impact 15 how orders of controlled substances were 16 flagged? 17 MR. TABACCHI: Object to the 18 form. 19 THE WITNESS: It specifically 20 sat ahead of the distribution system. 21 So an order was alerted -- an order 22 that was alerted came to the practice 23 compliance team before going to the 24 logistics team. So that was an</p>	<p style="text-align: right;">Page 437</p> <p>1 MR. TABACCHI: You did. 2 MR. BOWER: I apologize. 3 Traited items. 4 THE WITNESS: The -- for a 5 traited item, the threshold was 20 or 6 2,000 dosage units. 7 MR. BOWER: Okay. 8 (Whereupon, Deposition Exhibit 9 Walmart 14, 11-30-17 email from Roxy 10 Reed. Subj: DEA SOM reports, 11 WMT_MDL-000055271-55276, was marked 12 for identification.) 13 Q. (BY MR. BOWER) Would you agree 14 with me that when the change to Buzzeo was 15 made, more orders were flagged at Walmart? 16 MR. TABACCHI: Object to the 17 form. 18 THE WITNESS: There were more 19 orders that were flagged as orders of 20 interest for review and due diligence. 21 MR. BOWER: Okay. You've been 22 handed what's been marked as 23 Exhibit 14. Take a moment to review 24 it. Let me know when you're finished.</p>

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